

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Fiber Technologies Networks, L.L.C.)

Petition for Preemption Pursuant to Section 253 of
the Communications Act of Discriminatory)
Ordinance, Fees and Rights-of-Way Practices of)
the Borough of Blawnox, Pennsylvania)

WC Docket No. 03-37

ORDER

Adopted: June 20, 2005

Released: June 20, 2005

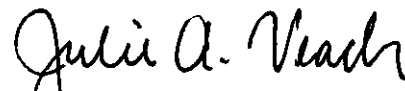
By the Acting Chief, Competition Policy Division:

1. Fiber Technologies Networks, L.L.C. (Fibertech) filed a Petition for Preemption Pursuant to Section 253 of the Communications Act of Discriminatory Ordinance, Fees and Rights-of-Way Practices of the Borough of Blawnox, Pennsylvania (Petition). The Petition requested that, pursuant to section 253(a) of the Communications Act, as amended,¹ the Commission preempt a rights-of-way ordinance enacted by the Borough of Blawnox, Pennsylvania (Blawnox).² On April 12, 2005, Fibertech filed a request to withdraw its Petition without prejudice to any of its arguments.³

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that Fibertech's request to withdraw the above-captioned petition IS GRANTED.

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the above-captioned petition for preemption IS DISMISSED WITHOUT PREJUDICE, and the proceeding initiated by that petition, WC Docket No.03-37, IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Julie A. Veach
Acting Chief, Competition Policy Division

¹ 47 U.S.C. § 253(a).

² Petition at iii (citing 47 U.S.C. § 253(a)).

³ See Letter from Robert T. Witthauer, Deputy Corporate Counsel, Fibertech, to Marlene H. Dortch, Secretary, FCC (filed April 12, 2005).